



DATE: November 9, 1987

TO: Don Josif, USEPA

FROM: Greg Dunn, IEPA/DLPC *GD*

SUBJECT: L0978120001--Lake County
Riverwoods/Landfill Engineering AKA Hoffelder
ILD 980612550
Superfund/HRS

Executive Summary

The original CERCLIS listing for this site is: Unincorporated Wheeling, Illinois, Milwaukee Avenue and North of Wolf Road in Wheeling, Illinois (Cook County). Further investigation of this area and a conversation with Mr. Jack Lanenga of Arc Disposal Co., revealed the need to change the CERCLIS listing to the correct site information. (Mr. Jack Lanenga, of Arc Disposal Co., filed the 103(c) Notification for this site). The CERCLIS listing of this site should be changed to: Landfill Engineering AKA Hoffelder, E. of Milwaukee Avenue and South of Deerfield Road, Riverwoods, Illinois (Lake County). There are two current owners of the site. Lake County Forest Preserve owns the 16.9 acres bordering the Des Plaines River, while Mr. Walter Hoffelder owns 35.7 acres bordering Milwaukee Avenue. The Glenview State Bank owned the land prior to selling the property to the Forest Preserve and Mr. Walter Hoffelder.

Landfill Engineering Company applied for registration of a refuse disposal site on June 2, 1969, but never applied for an operating permit from IEPA. On June 12, 1975, the Pollution Control Board fined the Landfill Engineering Company for operating a solid waste site without a permit. Included in the decision was the order to cease and desist all refuse disposal activities at the site and to properly close (apply final cover) the site according to regulations. As of September 25, 1978, the site was considered closed and covered. However, since that time numerous leachate seeps have been discovered, along with random dumping.

The landfill was known to accept only municipal refuse from surrounding communities. The disposal method for the refuse was a trench fill type, with the refuse disposed into an old gravel pit. The deposition of garbage into the pits, enhances the possibility of contamination to the shallow groundwater aquifer. Surface water contamination is likely due to the fact that the Des Plaines River is less than 500 feet away. No contamination has been released, but potential releases to the environment exist. A low priority is recommended with a site inspection to take place on a time availability basis. Surface water samples of the Des Plaines River and leachate flows may determine if contamination has been released. Soil and groundwater samples also need to be taken, with a priority pollutant scan on each sample.

GD:kh/h-1


cc: Division File
Maywood Region

EPA Region 5 Records Ctr.



358359

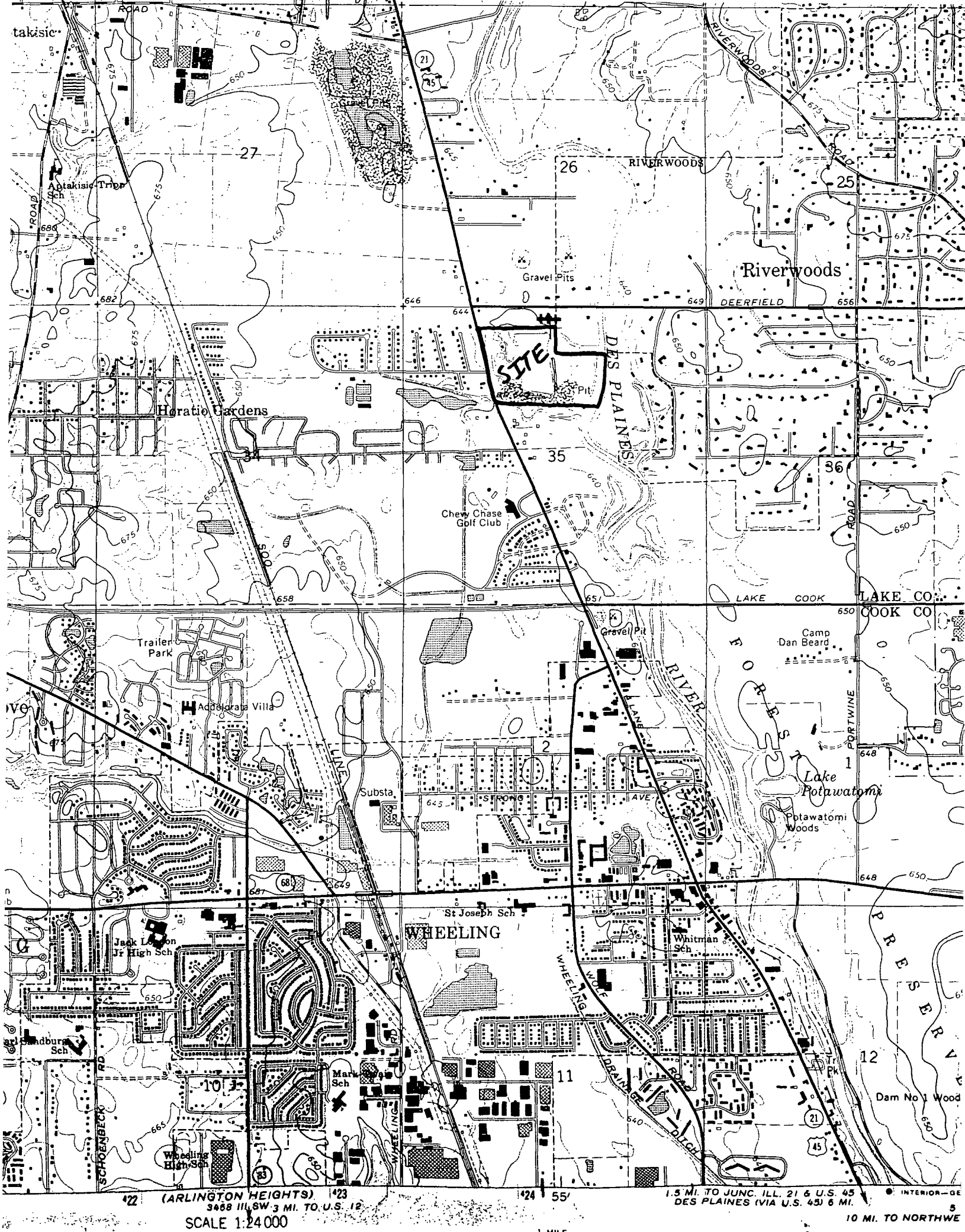
(A) ORIGINAL CERCLIS LISTING

 POTENTIAL HAZARDOUS WASTE SITE PRELIMINARY ASSESSMENT PART 1 - SITE INFORMATION AND ASSESSMENT		I. IDENTIFICATION	
		01 STATE IL	02 SITE NUMBER D 980612550
II. SITE NAME AND LOCATION			
01 SITE NAME (Legal, common, or descriptive name of site) Unincorporated Wheeling, IL		02 STREET, ROUTE NO., OR SPECIFIC LOCATION IDENTIFIER Milwaukee Ave. & N. of Wolf Road	
03 CITY Wheeling	04 STATE IL	05 ZIP CODE 60090	06 COUNTY Cook
		07 COUNTY CODE 031	08 CONG DIST 12

(B) CORRECTION OF LISTING
(LOCATION OF ACTUAL SITE IN QUESTION)

II. SITE NAME AND LOCATION			
01 SITE NAME (Legal, common, or descriptive name of site) Landfill Engineering AKA Hoffelder		02 STREET, ROUTE NO., OR SPECIFIC LOCATION IDENTIFIER E. of Milwaukee Ave & S. of Deerfield Road	
03 CITY Riverwoods	04 STATE IL	05 ZIP CODE 60015	06 COUNTY Lake
		07 COUNTY CODE 097	08 CONG DIST 10

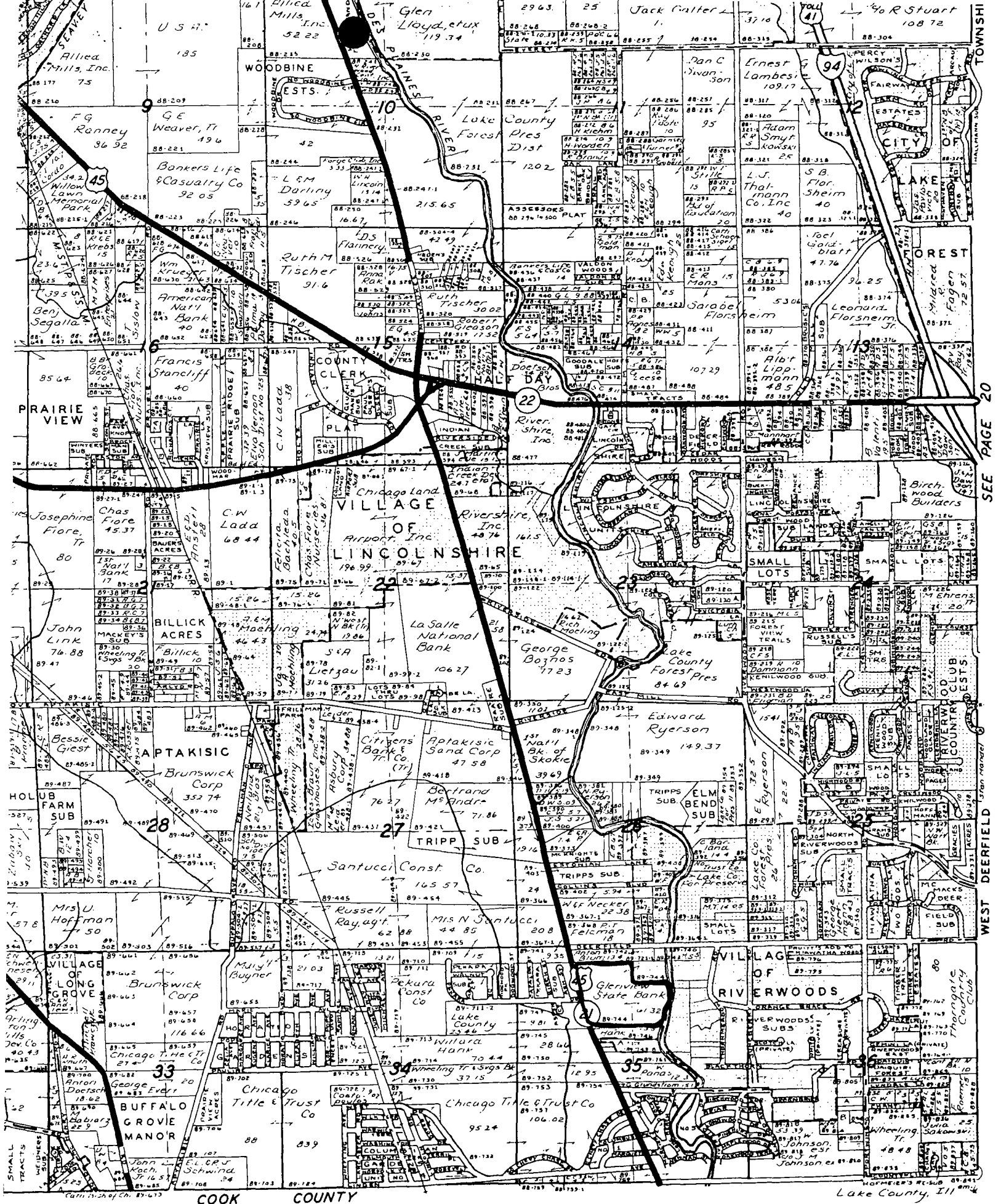
(C) The original CERCLIS Inventory had the address of the site in an unincorporated area of Wheeling, IL in Cook County. Further Review of files indicated the site to be near Riverwoods, IL in Lake County. These corrections (as stated above) have already been made to the Preliminary Assessment. Please make the appropriate changes to your system.





OF WHEELING COOK COUNTY

- | | | | | | | |
|---|-----------------------------|--|--|---|--|---|
| SEC. 14
A — Stonegate Circle
B — Spieldel's Sub | SEC. 21
A — Nehmer's Sub | SEC. 25
A — Degens Sub
B — Woodland Park Sub
C — Manchester of R.W. | D — Green Knolls
E — Suffield Place | G — L.K. - 014
H — L.K. - 015
J — Clemensen's Sub | SEC. 33
A — Lexington Hills
B — Prairie View Acres | SEC. 35
A — Wheeling Tr. & Savings - 9.89, 1 |
| SEC. 23 | | SEC. 30 | | | | |



SEE PAGE 20
WEST DEERFIELD

COOK COUNTY

Lake County, Ill.

Section 14
A SPRAGUE SUB
B KNEDLER'S SUB

Section 21
A NEHMER'S SUB

Section 25
A RIVENS
B BURG'S SUB
C DEGENS

Section 35
A-D Harris-9-89

Section 36
A Isaac Walton 5-28 89-806
B 89-807-1 89-808

Lake

LPC

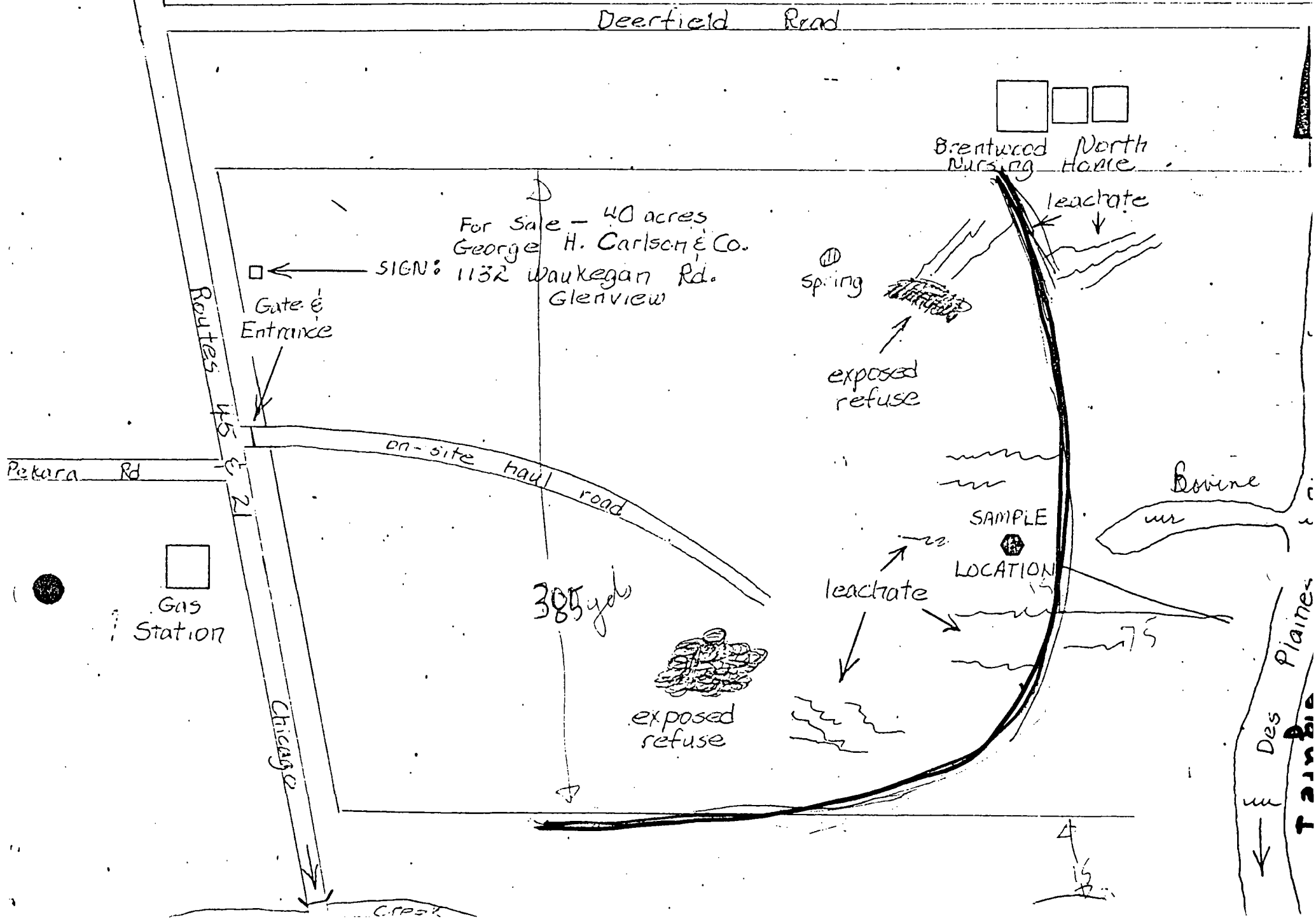
09781201

DATE: 3/31/76

Vernon twp. Landfill Engineering

↑ N

TIME: 07:00



STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF LAND POLLUTION CONTROL

TELEPHONE CONVERSATION RECORD

Cook COUNTY - LPC

Arlington Heights / No Name SITE INVENTORY NO. ILD 980612543

Re: 103 (c) notification filed by Arc Disposal Co.

Conversation With: Jack Lanenga [1-(312)-981-0091]

☒ I Called Party () Party Called Me DATE: April 23, 1987 TIME: 2:18

What I Said:

① Introduced myself and asked Mr. Lanenga about the 103(c) filed by Arc. Disposal Co.

③ It is a Notification for Hazardous waste site. You disposed of Mixed municipal waste at a site in Arlington Hts. On Arlington Hts. road N. of Dundee Road. Do you know the name of the site?

⑤ This site is then the Arlington Heights Municipal Landfill?

⑦ I also have a notification filed for unincorporated Wheeling, IL

⑨ That is the site. Do you know

What Other Party Said:

② What is a 103 (c)?

④ It was the Arlington Heights Landfill run by the city of Arlington Hts. It was probably 15 years ago that we disposed of municipal waste at the site.

⑥ Yes.

⑧ I believe that was on Milwaukee Ave. around Wolf Road.

TITLE: _____

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF LAND POLLUTION CONTROL

TELEPHONE CONVERSATION RECORD

Cook COUNTY - LPC
Arlington Heights/ No Name SITE INVENTORY NO. ILD 980612543
Re: 103 (c) Notification filed by Arc Disposal Co.
Conversation With: Jack Lawenga (312)-981-0091
() I Called Party () Party Called Me DATE: April 23, 1987 TIME: 2:18

What I Said:
the name of this site?
(11) Thank you very much for
your help in this matter.

What Other Party Said:
(11) All I know about the
site is that it is North
of Wheeling in an
unincorporated area. I do
not know the name of the
site. You might call Mr. William
Freeding, he is still around
Chicago somewhere. William
Burton is down south now.

cc. Division File

Gregory W. Dunn
TITLE: LSCT



STATE OF ILLINOIS

POLLUTION CONTROL BOARD

309 WEST WASHINGTON STREET SUITE 300

CHICAGO, ILLINOIS 60608

TELEPHONE
312-793-3620

JACOB D. DUMELLE, CHAIRMAN
DONALD A. HENSS

Philip Zeitlin
RUSSELL T. ODELL

Irvin G. Goodman

DATE: June 12, 1975

Mr. Melvin J. McGowan
McGowan & Karm
800 Waukegan Road
Glenview, Illinois 60025

PCB74-446

ENVIRONMENTAL PROTECTION AGENCY

Mr. Charles W. Toomey
9 S. County Street
Waukegan, Illinois 60085

WILLIAM FREEDING and WILLIAM
BUTEN d/b/a LANDFILL ENGINEERING
COMPANY

RECEIVED

JUN 25 1975

ENVIRONMENTAL PROTECTION AGENCY
STATE OF ILLINOIS

Enclosed please find a certified copy of the OPINION AND ORDER
of the Board adopted on June 6, 1975 in the above entitled matter.

Very truly yours,

Christan L. Moffett
Christan L. Moffett
Clerk of the Board

cc: Mr. Jeffrey R. Diver, Illinois Environmental Protection Agency (6)
Attorney General William Scott, Environmental Control Divisions

ILLINOIS POLLUTION CONTROL BOARD
June 6, 1975

ENVIRONMENTAL PROTECTION AGENCY,,)
Complainant,)
v.) PCB 74-446
WILLIAM FREEDING AND WILLIAM)
BUITEN d/b/a/ LANDFILL ENGINEERING)
COMPANY,)
Respondents.)

Mr. Steven Z. Weiss appearing on behalf of Complainant;
Mr. Melvin J. McGowan appearing on behalf of Respondent.

OPINION AND ORDER OF THE BOARD (by Mr. Goodman):

This matter comes before the Pollution Control Board (Board) upon the amended complaint of the Environmental Protection Agency (Agency) against William Freeding and William Buiten, d/b/a Landfill Engineering Company (Landfill) for violation of Rule 202(b)(1) of Chapter 7 of the Illinois Pollution Control Board Rules and Regulations and §§21(b) and 21(e) of Illinois Environmental Protection Act (Act). The original complaint was filed November 27, 1974 and a motion to amend the complaint to conform with the proof pursuant to procedural Rule 308 was filed March 31, 1975. We hereby grant Complainant's motion to amend the complaint, there being no objection by and no prejudice to Landfill.

Rule 202(b)(1) states:

Existing Solid Waste Management Sites.

Subject to such exemption as expressly provided in Section 21(e) of the Environmental Protection Act as to the requirement of obtaining a permit, no person shall cause or allow the use or operation of any existing solid waste management site without an Operating Permit issued by the Agency not later than one year after the effective date of these Regulations.

Rule 202(b)(1) became effective on July 27, 1973.

Sections 21(b) and 21(e) state that no one shall:

- (b) Cause or allow the open dumping of any other refuse in violation of regulations adopted by the Board;

- (e) Conduct any refuse-collection or refuse-disposal operations, except for refuse generated by the operator's own activities, without a permit granted by the Agency upon such conditions, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with the Act and with regulations adopted thereunder, after the Board has adopted standards for the location, design, operation, and maintenance of such facilities;

The facts in this action were presented to the Board upon stipulation of the parties. Landfill has operated the solid waste management site, located at the southeast corner of Milwaukee and Deerfield Roads in Lake County, from September, 1966 to September 30, 1974. The site was formerly a gravel pit and was open five and one-half days per week. Landfill ceased business activities, except for accepting cover material, when the site was filled on September 30, 1974. Respondent stated that it grossed between \$15,000 and \$25,000 per month from refuse while in operation and an additional \$15,000 to \$40,000 from the sale of sand.

Respondent states that it always had sufficient financial resources to obtain a permit (R7). Landfill's reason for not applying or obtaining a permit was that the projected closing date of the site was before July 27, 1974. However, according to Landfill, the fill necessary to cover the site was inadequate because of its unavailability due to recession in the construction trade (R7,8). We note that 80% of the refuse accepted was compacted household garbage (Stip. p.2). Landfill states that it never applied for a variance because it was not familiar with the variance procedure, and, therefore, did not know it was available to it (Stip. p.3).

The Agency sent Landfill seven letters from December, 1973 to November, 1974 discussing the potential violation of operating without a permit. These letters are attached to the stipulation as Exhibits "A" through "G". The letters allege violations of Rule 305 in that Respondent failed to meet cover requirements. In addition, on page 4 of the stipulation it is stated that final cover in some areas was inadequate. The Board has not been informed as to the extent of the violations and Landfill does not deny that there were violations. In mitigation, Landfill states (R22) that it will conform to Rule 305 as clean fill is made available.

The Agency's complaint alleges a violation of Section 21(b) due to Respondent's operation without a permit. As operating without a permit does not constitute open dumping, we cannot find a violation of Section 21(b) based upon the amended complaint. See EPA v. E & E Hauling, Inc., PCB 74-473 (1975). Therefore, the portion of the complaint referring to a violation of Section 21(b) must be dismissed.

It is uncontroverted that Landfill operated a solid waste management site without a permit. The Board points out the importance of the permit system in regulating solid waste management sites so as to protect the environment and the public. When a permit is issued, the applicant has proved that the development and/or operation of the sanitary landfill will not cause or tend to cause water or air pollution; will not violate applicable air or water quality standards; and will not violate any rule or regulation adopted by the Board (Rule 316). Without a permit system, operators of landfills may inadvertantly cause pollution, thereby injuring the public. To obtain a permit, the applicant must perform certain tests to determine the likelihood of leachate; the effect of the landfill upon public water supplies; soil classification, grain size distribution permeability, compactability and ion-exchange properties of subsurface materials.

In addition various maps must be prepared, borings and water samples taken. Additional information as listed in Rule 316 is also required. The application is an expensive undertaking. To allow an individual to operate a landfill without a permit does a disservice to the public and potentially endangers the life and property of population surrounding the landfill. Respondent has failed to justify its failure to obtain a permit and we find a violation of Rule 202(b)(1) and Section 21(e). We, therefore, assess a penalty of \$1500.00 for violation of Rule 202(b)(1) and Section 21(e).

This Opinion constitutes the findings of fact and conclusions of law of the Board in this matter.

ORDER

IT IS THE ORDER of the Pollution Control Board that:

- 1) Respondents William Freeding and William Buiten d/b/a Landfill Engineering Company are found to have operated a solid waste management site in Lake County, without

the required operating permit from the Agency, in violation of Rule 202(b)(1) of Chapter 7: Solid Waste Rules and Regulations and Section 21(e) of the Act, during the period July 27, 1974 and September 30, 1974; and

2) Respondents shall pay, as a penalty, the sum of \$1500.00, payment to be made within 35 days of the date of this Order, by certified check or money order to:

State of Illinois
Fiscal Services Division
Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

3) Respondents shall cease and desist all refuse disposal activities, and shall promptly and properly close and apply final cover to the site in accordance with applicable Board regulations; and

4) That portion of the complaint alleging violation of Section 21(b) of the Act is hereby dismissed.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 6th day of June, 1975 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board

7/22/75